

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY *Jf* D.C.

05 DEC -2 PM 2:47

LITTLE TYKE'S LEARNING ACADEMY,)
DOROTHY AVANT, KIMBERLY AVANT,)
BRIAN AVANT and BOBBY AVANT)
in their official and personal capacity)
PLAINTIFFS,)

v.)

Civil Action Case No. 05-2597 *MaP*

INSOUTH BANK, INSOUTH BANK, INC.)
LARRY MURFF, AGENT OF INSOUTH BANK)
EDWARD BELL, VICE PRESIDENT OF)
INSOUTH BANK; T. KEVIN BRUCE, BRUCE)
NORRIS AND BASS, PLLC; GEOFFRY)
HIRSCH and KRIVCHER MAGIDS, PLLC)
DEFENDANTS.)

THOMAS M. COULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

RULE 16(b) SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on November 23, 2005. Present were Wanda Abioto, counsel for the Plaintiff, Charles Robert Bone counsel for the Defendant INSOUTH Bank, and J. Houston Gordon, counsel for Defendants' Larry Murff and Edward Bell. Other named party defendants have not been served to date. Therefore, no counsel for such named defendants were present. At the conference, the following dates are established by the parties represented, subject to modification by the Court in a subsequent hearing when and after all defendants are served, as the final dates for:

Initial Disclosures (Rule 26(a)(1)):	December 2, 2005
Joining Parties:	January 13, 2006
Amending Pleadings:	January 13, 2006
Initial Motions to Dismiss:	February 17, 2006

Completing All Discovery:	April 28, 2006
(a) Document Production	April 28, 2006
(b) Depositions, Interrogatories and Requests for Admissions:	April 28, 2006
(b) Expert Disclosures (Rule 26(a)(2)):	
(i) Plaintiff's Experts:	February 28, 2006
(ii) Defendant's Experts:	March 28, 2006
(c) Depositions of Experts:	April 28, 2006
Filing Dispositive Motions:	May 29, 2006

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion of the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. *It is anticipated that the trial will last 5 days.*

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by the Order will not be modified or extended.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tu M. Pham', written over a horizontal line.

TU M. PHAM
UNITED STATES MAGISTRATE JUDGE

Date: December 2, 2005

APPROVED AS TO FORM:



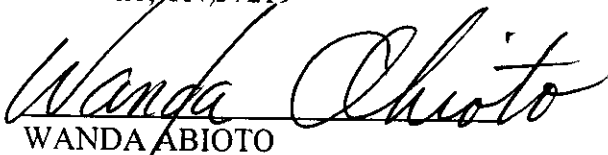
KEITH C. DENNEN

Attorney for Plaintiffs

Bone McAllester Norton, PLLC

511 Union Street, Suite 1600

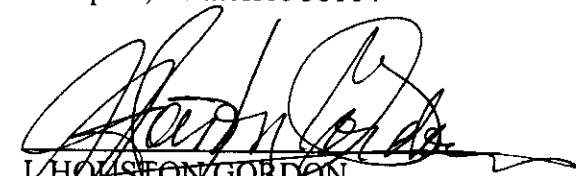
Nashville, TN 37219



WANDA ABIOTO

1555 Madison Avenue

Memphis, Tennessee 38104



J. HOUSTON GORDON

Law Office of J. Houston Gordon

114 West Liberty Avenue, Suite 300

P.O. Box 846

Covington, Tennessee 38019-0846



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02597 was distributed by fax, mail, or direct printing on December 7, 2005 to the parties listed.

J. Houston Gordon
LAW OFFICES OF J. HOUSTON GORDON
114 W. Liberty Ave.
Ste. 300
Covington, TN 38019--084

Keith C. Dennen
BONE MCALLESTER NORTON
511 Union Street, Ste.
Ste. 1600
Nashville, TN 37219

Wanda Abioto
LAW OFFICE OF WANDA ABIOTO
1555 Madison Ave.
Memphis, TN 38104

Honorable Samuel Mays
US DISTRICT COURT